

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: WINDSOR DOWNS SUBDIVISION

Case Number: PLD2004-00044; SEP2004-00072

Location: 11115 NE 107th Street

Request: The applicant is requesting to subdivide an approximate 9.10-acre parcel into 28 single-family residential lots located in the R1-10 zone district.

Applicant: Gary Rademacher
19619 NE 68th Street
Vancouver, WA 98682

Contact Person: Minister & Glaeser Surveying, Inc.
Attn: Bolt Minister
2200 E. Evergreen Blvd.
Vancouver, WA 98661

Property Owner: David & Sheri Holloway
11015 NE 102nd Street
Vancouver, WA 98682

Richard & Dawn Dietrich
11016 NE 107th Street
Vancouver, WA 98682

Richard & Nancy Dietrich
11115 NE 107th Street
Vancouver, WA 98662

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** July 7, 2004

Public Hearing Date: July 22, 2004

<u>County Staff</u>	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Dan Carlson	4499	daniel.carlson@clark.wa.gov
Engineer (Trans. & Stormwater):	Paul Knox	4910	paul.knox@clark.wa.gov
Fire Marshal:	Tom Scott	3323	tom.scott@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov

Parcel Numbers: 199623-000, 199686-000, and 199686-005 located in the Southeast Quarter of Section 33, Township 3 North, Range 2 East of Willamette Meridian

Comp Plan Designation: Urban Low Density Residential

Zoning: R1-10

Applicable Laws:

Clark County Code Sections: Title 15 (Fire Protection), Title 24 (Public Health), 40.220.010 (Single-Family Residential Districts), 40.350 (Transportation and Circulation), 40.370 (Sewer and Water), 40.380 (Stormwater and Erosion Control), 40.540 (Land Division), 40.570 (SEPA), 40.610 (Impact Fees), and RCW 58.17.

Neighborhood Association/Contact:

The subject property is not within the boundaries of a county recognized neighborhood association.

Time Limits:

The application was determined to be fully complete on May 19, 2004 (Ex. 10). Therefore, the County Code requirement for issuing a decision within 92 days lapses on August 19, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on September 16, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 11, 2004. The pre-application was determined to be contingently vested as of February 17, 2004.

The fully complete application was submitted on April 28, 2004 and determined to be fully complete on May 19, 2004. Given these facts the application is vested on February 17, 2004.

Transportation concurrency is based on a first come, first serve basis. If there is sufficient remaining capacity on the roadways that will serve the subject development, the project will be approved for concurrency. Vesting for transportation concurrency (i.e., reservation in the concurrency line) is established at the time the fully complete application was submitted. Therefore, this application vested for concurrency on April 28, 2004.

There are no disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 300 feet of the site on June 2, 2004 (Note: This site is not located within the boundaries of a recognized neighborhood association). One sign was posted on the subject property and two within the vicinity on July 7, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on July 7, 2004.

Public Comments:

S. Jean Cody, Letter received June 24, 2004

Ms. Cody owns property to the north of the subject property, and is concerned about the impacts of the new lots on her property. She requests that the applicant provide a solid, six-foot tall fence between the subject property and her property. As discussed in Land Use Finding 2 below, if the property and surrounding properties are not rezoned, the applicant is required to provide L3 landscaping along this property line. The L3 landscape standard includes a requirement that enough high shrubs be provided to form a screen six (6) feet high and ninety-five percent (95%) opaque year around. A six-foot wall or fence may be substituted for the shrubs, but is not required. If the properties are rezoned, however, the landscaping requirements would not apply.

Project Overview

The subject property is located at 11115 NE 107th Street. The site consists of three lots that contain three single-family residences with accessory buildings. One of the existing residences would be boundary line adjusted out of this proposal, and one residence would remain on Lot 7. All other buildings would be removed. The site is flat with grass and scattered trees and shrubs. The subject property is zoned R1-10, and surrounding properties are zoned ML and AG-20. The applicant is requesting to subdivide the approximate 9.10-acre parcel (after boundary line adjustment) into 28 single-family residential lots. This application includes requests for subdivision and SEPA approval.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-10	Single-family residence
North	AG	AG-20	Single-family residence/Agriculture
East	MU	ML	Single-family residence
South	AG	AG-20	Single-family residence
West	AG	AG-20	Vacant

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

The proposed boundary line adjustment was reviewed and approved under case number BLA2004-00025 (Ex. 9). The applicant shall record the proposed adjustment prior to final plat approval. (See Condition A-1)

Finding 2

According to CCC 40.520.040(A)(4)(f), land divisions are exempt from site plan review provided the applicable site plan review standards are met. Because of the zoning of

the subject property and the abutting property, the landscaping standards of CCC 40.320 would apply to this development.

Table 40.320.010-1 establishes minimum buffer and landscaping requirements. Where the subject property will be separated by a street from ML zoning to the east, a 5-foot buffer landscaped to an L1 landscaping standard is required. Where the subject property will be separated by a street from AG-20 zoning to the west and to the south, a 5-foot buffer landscaped to an L1 landscaping standard is required. And where the subject property will NOT be separated by a street from AG-20 zoning to the north, a 50-foot buffer landscaped to an L3 standard is required. The applicant has not submitted a landscape plan with this proposal, but it does appear that sufficient room exists on the plan in order to comply with these standards. Therefore, the applicant shall submit a landscape plan in accordance with CCC 40.320 that provides the following:

- A 5-foot buffer landscaped to an L1 landscape standard along the east, west, and south property lines
- A 50-foot buffer landscaped to an L3 landscape standard along the north property line

The landscape buffers shall be delineated on the final plat. A covenant running with the land shall be recorded with the final plat that requires the owners of lots containing the required landscape buffers to maintain the landscaping in accordance with the approved final landscape plan. (See Condition A-2)

The subject property and surrounding property is currently proposed to be rezoned to single-family residential zoning as a part of the Comprehensive Plan Update process. If the property is rezoned prior to final plat approval, then the landscaping requirements would not apply.

The required landscaping shall be installed prior to issuance of occupancy permits for each lot. (See Condition C-1)

Finding 3

With conditions of approval, staff finds the proposed land division will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and water, as well as treatment of any future increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

TRANSPORTATION CONCURRENCY:

County concurrency staff has reviewed the proposed Windsor Downs Subdivision consisting of a 28 single family lots. The proposed development is located north of NE 107th Street, west of NE 112th Avenue. The applicant's traffic study estimates trip generation for weekday AM peak hour at 29 new trips, and the PM peak hour trip at 34

new trips. The following paragraphs document two transportation issues for the proposed development.

Issue 1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Finding 1 – Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site accesses onto NE 99th Street and NE 107th Street. The access appears to maintain acceptable LOS.

Finding 2 – Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-3)

Finding 3 – WDOT Facilities

Although the subject site is located in Clark County, the development generates traffic that affect NE 117th Avenue (SR 503), a facility under the jurisdiction of the Washington State Department of Transportation (WSDOT). No comments from WSDOT had been received at the time of issuance of this report.

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 4 – Traffic Signal Warrants

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Finding 5 – Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Finding 6 – Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accidents per million entering vehicles. Therefore, mitigation by the applicant is not required.

Finding 7 – Traffic Controls During Construction

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See Condition B-2)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION:

Finding 1– Circulation Plan

The proposed street system will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross-circulation standards. The applicant proposes partial-width improvements, with a minimum pavement width of 20 feet, along the south side of NE 107th Street, east side of NE 112th Avenue, and west side of NE 110th Avenue, where the roads abut adjacent properties. Therefore, the project complies with the circulation plan requirements of CCC 40.350.030(B)(2).

Finding 2 – On-site Roads

The applicant proposes onsite roads NE 109th Street and NE 111th Court in accordance with the county classification as local residential access roads. The minimum improvements for these roadways in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Standard Drawing #14, include:

- A minimum right-of-way width of 46 feet
- A minimum roadway width of 28 feet
- Curb and gutter
- Minimum sidewalk width of 5 feet

The applicant proposes to terminate NE 111th Court with a permanent cul-de-sac bulb, including a minimum pavement of 34.5-foot radius, rolled curb, and a 5-foot wide thickened sidewalk having a minimum radius of 40 feet to the back of walk, in accordance with the minimum requirements of CCC Table 40.350.030-4 and the Standard Details Manual, Standard Drawing #28. The final cul-de-sac will be approximately 380 feet long, which does not exceed the maximum length of 600 feet allowed for an urban cul-de-sac. Because the thickened sidewalk is essential to the site's accessibility to fire protection equipment, this sidewalk shall be constructed with the street improvements and accepted prior to Final Plat approval. (See Condition A-5)

Finding 3 – Abutting Roads

NE 107th Street and NE 112th Avenue are classified as neighborhood circulator roads. The applicant proposes partial-width improvements in accordance with the minimum requirements of CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14, including:

- A minimum half-width right-of-way width of 27 feet
- A minimum partial-width roadway of 20 feet
- Curb and gutter
- Minimum sidewalk width of 5 feet

NE 110th Avenue is classified as a local residential access road. The applicant proposes partial-width improvements in accordance with the minimum requirements of CCC Table 40.350.030-4 and the Standard Details Manual, Standard Drawing #14, including:

- A minimum half-width right-of-way width of 23 feet
- A minimum partial-width roadway of 20 feet
- Curb and gutter
- Minimum sidewalk width of 5 feet

In accordance with the requirements of CCC 40.350.030(B)(10)(b)(2), parking shall be prohibited on the proposed partial-width roads. (See Condition A-6)

Finding 4 – Intersection Design

Staff finds that the intersection improvements at NE 112th Avenue and NE 107th Street shown on the preliminary plans do not adequately address safety and traffic operational concerns at this location. The proposed partial-width improvements are being connected to existing partial-width improvements located on the opposite side of the right-of-way. The preliminary plans show that the centerline of pavement at the north and south legs of NE 112th are off-set by approximately 23 feet at NE 107th Street. The objectives of safely transitioning the driver from one side of the right-of-way to the other and minimizing driver confusion do not appear to have been achieved by the design of the proposed intersection. Following discussions of the county's concerns, the applicant has volunteered to install offsite improvements on adjoining properties.

Intersection improvements shall be provided at NE 112th Avenue and NE 107th Street which meet the operational and safety requirements of the public, as determined during approval of the construction plans. Specific items which shall be addressed in this design include the ability of two vehicles to safely pass one another as they move through the intersection, the smooth transition of the centerline of pavement through the opposing legs of the intersection, and minimizing opportunities for conflicting turning movements through the intersection. (See Condition A-7)

Finding 5 – Access

All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards.

Finding 6 – Sight Distance

The approval criteria for sight distances are found in CCC 12.05A.250. This section establishes minimum sight distances at intersections and driveways. (See Condition A-8)

Finding 7 – Bicycle / Pedestrian Circulation

The applicant shall be responsible for the installation of the sidewalks along the street frontages of the stormwater tract and the boundary-line adjusted parcel. (See Condition A-9)

All sidewalks, driveway aprons, and road intersections shall comply with the Americans with Disabilities Act.

Finding 8 – Road Modifications

There are no road modifications associated with this proposal.

Conclusions (Transportation)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to Conditions A-5 to A-9, meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 1 – Applicability:

The Stormwater and Erosion Control Ordinance CCC 40.380, adopted July 28, 2000, (amended July 30, 2002 and September 17, 2002), applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 40.380.030.

The project will create more than 2000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in Section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, 40.380.

Finding 2 – Stormwater Proposal:

The applicant proposes to collect stormwater runoff from newly created impervious surfaces within the site and convey the flows to a public stormwater management facility located within a tract near the northwest corner of the site. Stormwater disposal is proposed by means of infiltration. Private roof downspout infiltration systems are proposed for roof areas of the individual lots.

Finding 3 – Site Conditions and Stormwater Issues:

The site consists of a flat open farm field with a three houses and approximately ten other accessory buildings and barns and compacted gravel driveways and parking areas. Review of historical aerial photographs for the site over the past 30 years show that thirty years ago the impervious surfaces consisted of only the house and buildings at the site's southeast corner.

Infiltration of the one hundred (100) year storm is the preferred method for stormwater disposal from development sites where local soil types and groundwater conditions are suitable. The Sifton Gravelly Loam soils shown by the county GIS system to underlie the majority of the site are generally well suited to infiltration, provided they are not limited by the presence of seasonal high groundwater. The applicant has provided a geotechnical investigation report prepared by Shannon & Wilson, Inc., dated January 20, 2004. The report presents the results of three infiltration tests within the site. The measured infiltration rate at the site ranged from 386 to 864 inches per hour, as determined by an infiltration test performed in general accordance with the modified King County Method, a test method acceptable to the county. In accordance with county requirements, the design infiltration rate proposed by the applicant is limited to one half the measured infiltration rate. The boring logs for the test pits describe the soils as generally consisting of a silty layer varying from about 1-2 feet thick overlaying a deeper stratum of gravelly sand. Laboratory analysis was performed on a composite sample consisting of equal parts of samples from the southwest and northeast corners of the site. The report states that "based on laboratory testing and observations of the material encountered in the test pits, in our opinion the subsurface soils below a depth of two feet are generally classified as A-1," using the AASHTO classification system, which is described as a suitable soil for infiltration in the county standards.

No infiltration or laboratory testing was performed at, or near, the location of the proposed infiltration facility. The northwest corner of the site is shown by the county GIS system to be underlain by Hillsboro silty loam (HIB), which is not well suited to infiltration. The proposed infiltration facility is located near this soil map unit and conditions in this location may not be representative of those found in the test excavations described in the geotechnical report. Prior to approval of the final construction plans, infiltration and laboratory test results taken at the exact horizontal and vertical location of the infiltration facility shall be submitted for review and approval. The report shall classify soils, in accordance with the AASHTO classification system, to a minimum depth of twice the intended depth of the infiltration structure. (See Condition A-10)

The report also states that free ground water was not observed in the test pit during exploration and that the static ground. Given the time of year when the pits were excavated (December 31, 2003) and the well drained nature of the Sifton soils, staff

finds it unlikely that the majority of the site is affected by high groundwater. The geotechnical report does not describe groundwater conditions near the proposed infiltration facility. The applicant shall include a discussion of the groundwater conditions at the proposed infiltration facility, the rate of site stormwater infiltrated by the stormwater management facilities, and their potential effect on the sloped areas located offsite to the west of the proposed infiltration facility. (See Condition A-11)

In accordance with CCC 40.380.040(C)(3), the applicant may be required to test a representative drywell after completion of the stormwater improvements to verify design infiltration rates. The test results shall be submitted to the county by the project engineer prior to completing construction of the stormwater facilities. Redesign may be required if tested rates are less than those utilized in the design. If stormwater facilities larger than those illustrated on the preliminary plans are required, the site appears to have sufficient area to accommodate the larger facilities. Allocation of more land for the stormwater facilities could potentially result in the loss of lots. (See Condition A-12)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to Conditions A-10 to A-12, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at 360-397-2375 x4095 or 3323. Information can be faxed to Tom at 360-759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-3)

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application and is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to final plat approval. (See Condition A-4)

Fire Protection Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate.

WATER & SEWER SERVICE:

Finding 1

The site will be served by City of Vancouver water district and Hazel Dell sewer district. Letters from the above districts confirm that services are available to the site.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition E-2)

IMPACT FEES:

Except for 1 lot designated on the final plat as waived, Park (PIF), Traffic (TIF), and School (SIF) Impact Fees shall apply to the lots within this development. The site is within Park Facility Plan District No. 6 which has a total PIF of \$1,543.00 per lot (Acquisition - \$1,103.00, Development - \$440.00), the Orchards Traffic District which has a TIF of \$1,342.19 per lot, and the Battle Ground School District which has a SIF of \$3,000.00 per lot. (See Conditions B-1 and D-4)

If a building permit application is received more than three years following the preliminary plat approval, the Impact Fees will be recalculated according to the then current ordinance. This shall be noted on the face of the final plat. (See Conditions B-1 and D-4)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);

- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is July 7, 2004 and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on July 21, 2004.

<p align="center"><u>Public Comment Deadline:</u> July 21, 2004</p>

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the

Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Dan Carlson, (360) 397-2375, ext. 4499
Susan Ellinger, (360) 397-2375, ext. 4272

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 6), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

A-1 The applicant shall record the proposed boundary line adjustment prior to final plat approval. (See Land Use Finding 1)

A-2 The applicant shall submit a landscape plan in accordance with CCC 40.320 that provides the following:

- A 5-foot buffer landscaped to an L1 landscape standard along the east, west, and south property lines
- A 50-foot buffer landscaped to an L3 landscape standard along the north property line

The landscape buffers shall be delineated on the final plat. A covenant running with the land shall be recorded with the final plat that requires the owners of lots containing the required landscape buffers to maintain the landscaping in accordance with the approved final landscape plan. If the property is rezoned prior to final plat approval, then the landscaping requirements would not apply. (See Land Use Finding 2)

A-3 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500.00. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding 2)

A-4 Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to final plat approval. (See Fire Protection Finding 3)

A-5 The 5-foot thickened sidewalk along the cul-de-sac bulb of NE 111th Court shall be constructed with the street improvements and accepted prior to Final Plat approval. (See Transportation Finding 2)

A-6 The applicant shall be responsible for the posting “No Parking” signs along the proposed partial-width roads which abut the subject property. (See Transportation Finding 3)

A-7 Intersection improvements shall be provided at NE 112th Avenue and NE 107th Street which meet the operational and safety requirements of the public, as determined during approval of the construction plans. Specific items which shall be addressed in this design include the ability of two vehicles to safely pass one another as they move through the intersection, the smooth transition of the centerline of pavement through the opposing legs of the intersection, and minimizing opportunities for conflicting turning movements through the intersection. (See Transportation Finding 4)

A-8 Proposed intersections and driveways shall be constructed accordance with the sight distance requirements of CCC 12.05A.250. (See Transportation Finding 6)

A-9 The applicant shall be responsible for the installation of the sidewalks along the street frontages of the stormwater tract and the boundary-line adjusted parcel. (See Transportation Finding 7)

- A-10** Infiltration and laboratory test results taken at the exact horizontal and vertical location of the infiltration facility shall be submitted for review and approval. The report shall classify soils, in accordance with the AASHTO classification system, to a minimum depth of twice the intended depth of the infiltration structure. (See Stormwater Finding 3)
- A-11** The applicant shall submit for review and approval a discussion of the groundwater conditions at the proposed infiltration facility, the rate of site stormwater infiltrated by the stormwater management facilities, and their potential effect on the sloped areas located offsite to the west of the proposed infiltration facility. (See Stormwater Finding 3)
- A-12** In accordance with CCC 40.380.040(C)(3), the applicant may be required to test a representative drywell after completion of the stormwater improvements to verify design infiltration rates. The test results shall be submitted to the county by the project engineer prior to completing construction of the stormwater facilities. Redesign may be required if tested rates are less than those utilized in the design. (See Stormwater Finding 3)

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- Park Impact Fees: \$1,543.00 (Park District No. 6)
(Acquisition - \$1,103.00. Development - \$440.00)
- Traffic Impact Fees: \$1,342.19 (Orchards TIF sub-area)
- School Impact Fees: \$3,000.00 (Battle Ground School District)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (See Impact Fee Finding 1)

- B-2** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding 7)

C. Conditions that must be met prior to issuance of Occupancy Permits

- C-1** The required landscaping shall be installed prior to issuance of occupancy permits for each lot. If the property is rezoned prior to final plat approval, then the landscaping requirements would not apply. (See Land Use Finding 2)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Archaeological (all plats):

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Land Near Agricultural, Forest or Mineral Resource Lands:

"The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."

D-3 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-4 Impact Fees:

"In accordance with CCC 40.610, except for 1 lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$3,000.00 (Battle Ground School District), \$1,543.00 (\$1,103.00 – Acquisition; \$440.00 – Development for Park District 6), and \$1,342.19 (Orchards TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-5 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

D-6 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-7 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-8 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-9 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Water Wells and Septic Systems:

- E-2** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). (See Water & Sewer Service Finding 2)

Fire Protection:

- E-3** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)

Transportation:

- E-4** Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

Stormwater:

- E-5** Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

Pre-Construction Conference:

- E-6** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

Erosion Control:

- E-7** Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

- E-8** For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

- E-9** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

- E-10** Erosion control facilities shall not be removed without County approval.

Excavation and Grading:

- E-11** Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

- E-12** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Landscaping:

- E-13** Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,

4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>